

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DWIGHT BARTUNEK,)	
)	
Petitioner,)	4:06cv3163
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on filing nos. 13 and 14, the petitioner's Motions for Extension of Time, and filing no. 15, the respondent's Motion for Extension of Time. In filing no. 12, the Progression Order in this habeas corpus case, I ordered simultaneous briefs from the parties to be filed on December 29, 2006, and reply briefs by January 29, 2007.

The petitioner has informed the court that he needs at least a 60-day enlargement of time to submit his initial brief because he is receiving the assistance of a prison legal aide who has little experience in federal cases. Therefore, the petitioner and the legal aide will need time to review the record and the applicable law. The respondent simply wants whatever extension the petitioner receives.

Both parties will receive enlargements of time, but I see no reason to grant the respondent the same enlargement of time as that afforded the petitioner. The resources of the parties differ significantly, and in fact, the usual well-researched and thorough presentation which this court has come to anticipate from the particular attorney representing the respondent in this case will probably assist the petitioner and his legal aide in formulating their arguments.

As the petitioner is the moving party in this action, he may have all the time he needs to present his initial brief (within reason). However, if his initial brief has not been filed by June 1, 2007, the petitioner shall file a status report by that date estimating for the benefit of the court how much longer he estimates, at that time, he will need to file his initial brief.

Meanwhile, the attorney for the respondent shall submit her initial brief on or before March 1, 2007, and she shall do her best to present the most informative brief possible even though the petitioner's brief will probably not yet have been filed. When the petitioner files his initial brief, each party shall then have thirty (30) days thereafter to submit any reply or additional arguments or information that party may wish to add. The court will be willing to entertain a request from either party for a reasonable extension of time to reply.

In summary, filing nos. 13, 14 and 15 are granted as set forth above. Initial briefs shall be filed sequentially: the respondent by March 1, 2007; the petitioner by June 1, 2007, or, instead, he may file a status report by that date. After the close of initial briefing, each party shall have thirty (30) days to reply, unless further extensions are granted.

SO ORDERED.

DATED this 3rd day of January, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge